

1           939.621 (2) If a person commits an act of domestic abuse, ~~as defined in s.~~  
2   968.075 (1) (a) and the act constitutes the commission of a crime, the maximum term  
3   of imprisonment for that crime may be increased by not more than 2 years if the crime  
4   is committed during the 72 hours immediately following an arrest for a domestic  
5   abuse incident, as set forth in s. 968.075 (5). The 72-hour period applies whether or  
6   not there has been a waiver by the victim under s. 968.075 (5) (c). The victim of the  
7   domestic abuse crime does not have to be the same as the victim of the domestic abuse  
8   incident that resulted in the arrest. The penalty increase under this section changes  
9   the status of a misdemeanor to a felony.

10           \*~~1554/3.2~~\* **SECTION 2464.** 939.621 (1) of the statutes is created to read:

11           939.621 (1) In this section, "domestic abuse" has the meaning given in s.  
12   968.075 (1) (a).

13           \*~~1554/3.3~~\* **SECTION 2465.** 939.621 (3) of the statutes is created to read:

14           939.621 (3) If a court places a person on probation for a misdemeanor and any  
15   of the following apply, the maximum original term of probation under s. 973.09 (2)  
16   is two years:

17           (a) The person committed the misdemeanor while possessing a firearm.

18           (b) The misdemeanor is an act of domestic abuse.

19           (c) The misdemeanor is a violation of s. 940.225 (3m) or ch. 948.

20           \*~~1510/2.33~~\* **SECTION 2466.** 944.21 (8) (b) 3. a. of the statutes is amended to  
21   read:

22           944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational  
23   approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)  
24   6., 7. or 8.; and

1           \*~~1510/2.34~~\* **SECTION 2467.** 948.11 (4) (b) 3. a. of the statutes is amended to  
2 read:

3           948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational  
4 approval board under s. 45.54 38.50 or is a school described in s. 45.54 38.50 (1) (e)  
5 6., 7. or 8.; and

6           \*~~1417/P4.11~~\* **SECTION 2468.** 973.044 of the statutes is created to read:

7           **973.044 Child abuse prevention and child mental health surcharge. (1)**

8 If a court imposes a sentence or places a person on probation, the court shall impose  
9 a child abuse prevention and child mental health surcharge of \$20 for each  
10 misdemeanor offense or count and for each felony offense or count.

11           **(2)** After the clerk determines the amount due, the clerk of court shall collect  
12 and transmit the amount to the county treasurer under s. 59.40 (2) (m). The county  
13 treasurer shall then make payment to the secretary of administration under s. 59.25  
14 (3) (f) 2.

15           **(3)** The clerk shall record the child abuse prevention and child mental health  
16 surcharge. For each misdemeanor offense or count and for each felony offense or  
17 count, the secretary of administration shall credit \$6 to the appropriation account  
18 under s. 20.433 (1) (h) and shall credit \$14 to the appropriation account under s.  
19 20.435 (3) (gb).

20           **(4)** If an inmate in a state prison or a person sentenced to a state prison has  
21 not paid the child abuse prevention and child mental health surcharge under this  
22 section, the department shall assess and collect the amount owed from the inmate's  
23 wages or other moneys. Any amount collected shall be transmitted to the secretary  
24 of administration.

25           \*~~0539/P3.1~~\* **SECTION 2469.** 973.045 (1) (a) of the statutes is amended to read:

1           973.045 (1) (a) For each misdemeanor offense or count, ~~\$50~~ \$60.

2           \*~~0539/P3.2~~\* SECTION 2470. 973.045 (1) (b) of the statutes is amended to read:

3           973.045 (1) (b) For each felony offense or count, ~~\$70~~ \$85.

4           \*~~0539/P3.3~~\* SECTION 2471. 973.045 (3) (a) 1. of the statutes is amended to  
5 read:

6           973.045 (3) (a) 1. Part A equals ~~\$30~~ \$40 for each misdemeanor offense or count  
7 and ~~\$50~~ \$65 for each felony offense or count.

8           \*~~1417/P4.12~~\* SECTION 2472. 973.05 (2m) of the statutes is amended to read:

9           973.05 (2m) Payments under this section shall be applied first to payment of  
10 the penalty surcharge until paid in full, shall then be applied to the payment of the  
11 jail surcharge until paid in full, shall then be applied to the payment of part A of the  
12 crime victim and witness assistance surcharge until paid in full, shall then be  
13 applied to part B of the crime victim and witness assistance surcharge until paid in  
14 full, shall then be applied to the child abuse prevention and child mental health  
15 surcharge until paid in full, shall then be applied to the crime laboratories and drug  
16 law enforcement surcharge until paid in full, shall then be applied to the  
17 deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to  
18 the drug abuse program improvement surcharge until paid in full, shall then be  
19 applied to payment of the driver improvement surcharge until paid in full, shall then  
20 be applied to the truck driver education surcharge if applicable until paid in full,  
21 shall then be applied to payment of the domestic abuse surcharge until paid in full,  
22 shall then be applied to payment of the consumer protection surcharge until paid in  
23 full, shall then be applied to payment of the natural resources surcharge if applicable  
24 until paid in full, shall then be applied to payment of the natural resources  
25 restitution surcharge until paid in full, shall then be applied to the payment of the

1 environmental surcharge if applicable until paid in full, shall then be applied to the  
2 payment of the wild animal protection surcharge if applicable until paid in full, shall  
3 then be applied to payment of the weapons surcharge until paid in full, shall then  
4 be applied to payment of the uninsured employer surcharge until paid in full, shall  
5 then be applied to payment of the enforcement surcharge under s. 253.06 (4) (c), if  
6 applicable, until paid in full, and shall then be applied to payment of the fine and the  
7 costs and fees imposed under ch. 814.

8 **\*-1554/3.4\* SECTION 2473.** 973.09 (1) (a) of the statutes is amended to read:

9 973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a  
10 particular offense by statute, if a person is convicted of a crime, the court, by order,  
11 may withhold sentence or impose sentence under s. 973.15 and stay its execution,  
12 and in either case place the person on probation to the department for a stated period,  
13 stating in the order the reasons therefor. The court may impose any conditions which  
14 appear to be reasonable and appropriate. The period of probation may be made  
15 consecutive to a sentence on a different charge, whether imposed at the same time  
16 or previously. If the court imposes an increased term of probation, as authorized  
17 under sub. (2) (a) 2. or (b) 2. or s. 939.621 (3), it shall place its reasons for doing so  
18 on the record.

19 **\*-1554/3.5\* SECTION 2474.** 973.09 (2) (a) 1. of the statutes is amended to read:

20 973.09 (2) (a) 1. Except as provided in subd. 2. and s. 939.621 (3), for Class A  
21 misdemeanors, not less than 6 months nor more than 2-years one year.

22 **\*-1554/3.6\* SECTION 2475.** 973.09 (2) (a) 1m. of the statutes is created to read:

23 973.09 (2) (a) 1m. Except as provided in subd. 2. and s. 939.621 (3), for  
24 misdemeanors not covered by subd. 1., not more than 6 months.

25 **\*-1737/2.12\* SECTION 2476.** 978.03 (1) of the statutes is amended to read:

1           978.03 (1) The district attorney of any prosecutorial unit having a population  
2 of 500,000 or more may appoint 5 deputy district attorneys and such assistant  
3 district attorneys as may be requested by the department of administration justice  
4 and authorized in accordance with s. 16.505. The district attorney shall rank the  
5 deputy district attorneys for purposes of carrying out duties under this section. The  
6 deputies, according to rank, may perform any duty of the district attorney, under the  
7 district attorney's direction. In the absence or disability of the district attorney, the  
8 deputies, according to rank, may perform any act required by law to be performed  
9 by the district attorney. Any such deputy must have practiced law in this state for  
10 at least 2 years prior to appointment under this section.

11           **\*-1737/2.13\* SECTION 2477.** 978.03 (1m) of the statutes is amended to read:

12           978.03 (1m) The district attorney of any prosecutorial unit having a population  
13 of 200,000 or more but not more than 499,999 may appoint 3 deputy district  
14 attorneys and such assistant district attorneys as may be requested by the  
15 department of administration justice and authorized in accordance with s. 16.505.  
16 The district attorney shall rank the deputy district attorneys for purposes of carrying  
17 out duties under this section. The deputies, according to rank, may perform any duty  
18 of the district attorney, under the district attorney's direction. In the absence or  
19 disability of the district attorney, the deputies, according to rank, may perform any  
20 act required by law to be performed by the district attorney. Any such deputy must  
21 have practiced law in this state for at least 2 years prior to appointment under this  
22 section.

23           **\*-1737/2.14\* SECTION 2478.** 978.03 (2) of the statutes is amended to read:

24           978.03 (2) The district attorney of any prosecutorial unit having a population  
25 of 100,000 or more but not more than 199,999 may appoint one deputy district

1 attorney and such assistant district attorneys as may be requested by the  
2 department of administration justice and authorized in accordance with s. 16.505.  
3 The deputy may perform any duty of the district attorney, under the district  
4 attorney's direction. In the absence or disability of the district attorney, the deputy  
5 may perform any act required by law to be performed by the district attorney. The  
6 deputy must have practiced law in this state for at least 2 years prior to appointment  
7 under this section.

8 **\*-1737/2.15\* SECTION 2479.** 978.03 (3) of the statutes is amended to read:

9 978.03 (3) Any assistant district attorney under sub. (1), (1m), or (2) must be  
10 an attorney admitted to practice law in this state and, except as provided in ~~ss. s.~~ s.  
11 978.043 and ~~978.044~~, may perform any duty required by law to be performed by the  
12 district attorney. The district attorney of the prosecutorial unit under sub. (1), (1m),  
13 or (2) may appoint such temporary counsel as may be authorized by the department  
14 of administration justice.

\*\*\*\*NOTE: This is reconciled s. 978.03 (3). This SECTION has been affected by drafts  
with the following LRB numbers: LRB-1737 and LRB-0536.

15 **\*-1737/2.16\* SECTION 2480.** 978.04 of the statutes is amended to read:

16 **978.04 Assistants in certain prosecutorial units.** The district attorney of  
17 any prosecutorial unit having a population of less than 100,000 may appoint one or  
18 more assistant district attorneys as necessary to carry out the duties of his or her  
19 office and as may be requested by the department of administration justice and  
20 authorized in accordance with s. 16.505. Any such assistant district attorney must  
21 be an attorney admitted to practice law in this state and, except as provided in s.  
22 978.043, may perform any duty required by law to be performed by the district  
23 attorney.

1           \*-1737/2.17\* SECTION 2481. 978.044 of the statutes is repealed.

2           \*-1737/2.18\* SECTION 2482. 978.045 (1g) of the statutes is amended to read:

3           978.045 (1g) A court on its own motion may appoint a special prosecutor under  
4 sub. (1r) or a district attorney may request a court to appoint a special prosecutor  
5 under that subsection. Before a court appoints a special prosecutor on its own motion  
6 or at the request of a district attorney for an appointment that exceeds 6 hours per  
7 case, the court or district attorney shall request assistance from a district attorney,  
8 deputy district attorney or assistant district attorney from other prosecutorial units  
9 or an assistant attorney general. A district attorney requesting the appointment of  
10 a special prosecutor, or a court if the court is appointing a special prosecutor on its  
11 own motion, shall notify the department of ~~administration~~ justice, on a form  
12 provided by that department, of the district attorney's or the court's inability to  
13 obtain assistance from another prosecutorial unit or from an assistant attorney  
14 general.

15          \*-1737/2.19\* SECTION 2483. 978.045 (2) (b) of the statutes is amended to read:

16          978.045 (2) (b) The department of ~~administration~~ justice shall pay the  
17 compensation ordered by the court from the appropriation under s. 20.475 (1) (d).

18          \*-0265/3.24\* SECTION 2484. 978.05 (4m) of the statutes is amended to read:

19          978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the ~~department~~  
20 departments of workforce development and health and family services regarding the  
21 fraud investigation ~~program~~ programs under s. ~~ss.~~ 49.197 (1m) and 49.845 (1).

22          \*-1737/2.20\* SECTION 2485. 978.05 (8) (b) of the statutes is amended to read:

23          978.05 (8) (b) Hire, employ, and supervise his or her staff and, subject to ~~ss.~~ s.  
24 978.043 ~~and 978.044~~, make appropriate assignments of the staff throughout the  
25 prosecutorial unit. The district attorney may request the assistance of district

1 attorneys, deputy district attorneys, or assistant district attorneys from other  
2 prosecutorial units or assistant attorneys general who then may appear and assist  
3 in the investigation and prosecution of any matter for which a district attorney is  
4 responsible under this chapter in like manner as assistants in the prosecutorial unit  
5 and with the same authority as the district attorney in the unit in which the action  
6 is brought. Nothing in this paragraph limits the authority of counties to regulate the  
7 hiring, employment, and supervision of county employees.

8 \*–1737/2.21\* SECTION 2486. 978.11 of the statutes is amended to read:

9 **978.11 Budget.** The department of ~~administration~~ justice shall prepare the  
10 budget of the prosecution system and submit it in accordance with s. 16.42.

11 \*–1737/2.22\* SECTION 2487. 978.12 (5) (c) 1. of the statutes is amended to read:

12 978.12 (5) (c) 1. The salaries authorized under this section for the district  
13 attorney and the state employees of the office of district attorney shall be paid by the  
14 secretary of administration to the county treasurer pursuant to a voucher submitted  
15 by the district attorney to the department of ~~administration~~ justice. The county  
16 treasurer shall pay the amounts directly to the district attorney and state employees  
17 of the office of district attorney and the amounts paid shall be subject to the  
18 retirement system established under chapter 201, laws of 1937.

19 \*–1737/2.23\* SECTION 2488. 978.13 (1) (b) of the statutes is amended to read:

20 978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
21 and fringe benefit costs of 2 clerk positions providing clerical services to the  
22 prosecutors in the district attorney's office handling cases involving felony violations  
23 under ch. 961. The secretary of administration shall pay the amount authorized  
24 under this subsection to the county treasurer pursuant to a voucher submitted by the



1 district attorney to the department of ~~administration~~ justice from the appropriation  
2 under s. 20.475 (1) (i).

3 **\*-1737/2.24\* SECTION 2489.** 978.13 (1) (c) of the statutes is amended to read:

4 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and  
5 fringe benefit costs of clerk positions in the district attorney's office necessary for the  
6 prosecution of violent crime cases primarily involving felony violations under s.  
7 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,  
8 940.06, 940.225, 943.23 (1g), and 943.32 (2). The secretary of administration shall  
9 pay the amount authorized under this subsection to the county treasurer pursuant  
10 to a voucher submitted by the district attorney to the ~~secretary~~ department  
11 administration justice from the appropriation under s. 20.475 (1) (i).

12 **\*-0549/3.2\* SECTION 2490.** 978.13 (1) (d) of the statutes is amended to read:

13 978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
14 and fringe benefit costs of 2 clerk positions providing clerical services to the  
15 prosecutors in the district attorney's office handling cases involving the unlawful  
16 possession or use of firearms. The secretary of administration shall pay the amount  
17 authorized under this subsection to the county treasurer from the appropriation  
18 under s. 20.475 (1) ~~(f) or~~ (i) pursuant to a voucher submitted by the district attorney  
19 to the department of ~~administration~~ justice.

20 **\*-0549/3.3\* SECTION 2491.** 978.13 (1m) of the statutes is amended to read:

21 978.13 (1m) The amount paid under sub. (1) (b), (c), and (d) combined may not  
22 exceed the amount appropriated under s. 20.475 (1) ~~(f) and~~ (i) combined.

23 **\*-1022/1.2\* SECTION 2492.** 985.04 of the statutes is amended to read:

24 **985.04 Official state newspaper.** The ~~joint committee on legislative~~  
25 ~~organization shall recommend to the legislature to~~ secretary of administration shall

1 designate some newspaper published in Wisconsin to be the official state newspaper,  
2 which shall publish all legal notices required to be published therein. Any such  
3 publication from any of the state agencies shall be deemed official. The joint  
4 committee secretary of administration may invite bids from all newspapers which  
5 meet the requirements of s. 985.03, but if it the secretary does so, it he or she is not  
6 required to recommend designate the lowest bidder as the official state newspaper.  
7 ~~The joint committee shall introduce its recommendation in the legislature in the~~  
8 ~~form of a joint resolution. No designation takes effect until the joint resolution is~~  
9 ~~adopted.~~ A newspaper which is designated the official state newspaper under this  
10 section shall continue as such until the legislature secretary of administration  
11 designates another newspaper to be the official state newspaper.

12       \*-0984/4.21\* SECTION 2493. 1997 Wisconsin Act 27, section 9456 (3m) (a), as  
13 last affected by 2003 Wisconsin Act 48, is repealed.

14       \*-0984/4.22\* SECTION 2494. 1999 Wisconsin Act 9, section 9401 (2zt), as last  
15 affected by 2003 Wisconsin Act 33, is repealed.

16       \*-0984/4.23\* SECTION 2495. 1999 Wisconsin Act 9, section 9401 (2zu), as last  
17 affected by 2003 Wisconsin Act 33, is repealed.

18       \*-0330/P2.4\* SECTION 2496. 2001 Wisconsin Act 74, section 23 (5) is repealed.

19       \*-0335/2.17\* SECTION 2497. 2003 Wisconsin Act 33, section 9159 (4f) is  
20 repealed.

21       \*-0746/4.2\* SECTION 2498. 2003 Wisconsin Act 318, section 3 is repealed.

22       \*-0746/4.3\* SECTION 2499. 2003 Wisconsin Act 318, section 4 is repealed.

23       \*-0746/4.4\* SECTION 2500. 2003 Wisconsin Act 318, section 6 is repealed.

24       \*-0746/4.5\* SECTION 2501. 2003 Wisconsin Act 318, section 11 is repealed.

25       \*-0746/4.6\* SECTION 2502. 2003 Wisconsin Act 318, section 13 is repealed.

1       \*-0746/4.7\* **SECTION 2503.** 2003 Wisconsin Act 318, section 14 is repealed.

2       \*-0746/4.8\* **SECTION 2504.** 2003 Wisconsin Act 318, section 15 is repealed.

3       \*-0746/4.9\* **SECTION 2505.** 2003 Wisconsin Act 318, section 17 is repealed.

4       \*-0746/4.10\* **SECTION 2506.** 2003 Wisconsin Act 318, section 18 is repealed.

5       \*-0746/4.11\* **SECTION 2507.** 2003 Wisconsin Act 318, section 20 is repealed.

6       \*-0746/4.12\* **SECTION 2508.** 2003 Wisconsin Act 318, section 22 is repealed.

7       \*-0746/4.13\* **SECTION 2509.** 2003 Wisconsin Act 318, section 25 (3) is  
8       renumbered 49.45 (6tw) of the statutes and amended to read:

9       49.45 (6tw) **PAYMENTS TO CITY HEALTH DEPARTMENTS.** From the appropriation  
10       account under section s. 20.435 (7) (b) of the statutes, as affected by this act, in state  
11       fiscal year 2004-05, the department of health and family services may make  
12       payments to local health departments, as defined under s. 250.02 (4) (a) 3. of the  
13       statutes. Payment under this subsection to such a local health department may not  
14       exceed on an annualized basis payment made by the department of health and family  
15       services to the local health department under section s. 49.45 (6t) of the statutes,  
16       2003 stats., for services provided by the local health department in 2002.

17       \*-0746/4.14\* **SECTION 2510.** 2003 Wisconsin Act 318, section 27 is repealed.

18       \*-0537/P3.9101\*       **SECTION       9101. Nonstatutory       provisions;**  
19       **administration.**

20       \*-0537/P3.9101\* (1) **PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY.** From  
21       federal and program revenue moneys appropriated to the department of  
22       administration for the office of justice assistance under section 20.505 (6) (kp) and  
23       (p) of the statutes, the department of administration shall expend \$154,000 in fiscal  
24       year 2005-06 and \$154,000 in fiscal year 2006-07 to provide the multijurisdictional

## SECTION 9101

1 enforcement group serving Milwaukee County with funding for 1.5 assistant district  
2 attorney positions to prosecute criminal violations of chapter 961 of the statutes.

3       **\*-0537/P3.9101\***(2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal  
4 and program revenue moneys appropriated to the department of administration for  
5 the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes,  
6 the department of administration shall expend \$50,100 in fiscal year 2005–06 and  
7 \$50,100 in fiscal year 2006–07 to provide the multijurisdictional enforcement group  
8 serving Dane County with funding for 0.5 assistant district attorney position to  
9 prosecute criminal violations of chapter 961 of the statutes.

10       **\*-1212/1.9101\***(3) FORWARD WISCONSIN, INC. Notwithstanding section 20.001  
11 (3) (a) of the statutes, in the 2006–07 fiscal year Forward Wisconsin, Inc., may not  
12 spend \$1,000,000 of the amount appropriated under section 20.143 (1) (bm) of the  
13 statutes, as affected by this act, unless the department of administration certifies  
14 that Forward Wisconsin, Inc., has raised at least \$2,000,000 in private funds during  
15 the 2005–06 and 2006–07 fiscal years.

16       **\*-1513/4.9101\***(4) SALE OF CERTAIN STATE PROPERTY.

17       (a) 1. No later than July 1, 2006, the secretary of administration shall review  
18 all holdings of state–owned real property for potential sale, except as provided in  
19 subdivision 2.

20       2. Subdivision 1. does not apply to any property, facility, or institution the  
21 closure or sale of which is not authorized under section 16.848 of the statutes, as  
22 created by this act.

23       (b) No later than October 1, 2006, the secretary of administration shall submit  
24 a report to the secretary of the building commission containing an inventory of his  
25 or her recommendations to offer specified state properties for sale under section

1 16.848 of the statutes, as created by this act, and the reasons therefor. A property  
2 may be included in the inventory with or without approval of the state agency having  
3 jurisdiction of the property. If, on or before June 30, 2007, the building commission  
4 votes to approve the sale of any property included in the inventory, the department  
5 of administration may offer the property for sale under section 16.848 of the statutes,  
6 as created by this act.

7 (c) This subsection does not apply after June 30, 2007.

8 **\*-1649/7.9101\*** (5) HEALTH CARE QUALITY AND PATIENT SAFETY BOARD; INITIAL  
9 APPOINTMENTS. Notwithstanding the length of terms specified in section 15.105 (13)  
10 (b) of the statutes, as created by this act, the initial members of the health care  
11 quality and patient safety board shall be appointed by the first day of the 4th month  
12 beginning after the effective date of this subsection for the following terms:

13 (a) The representative of hospitals, the employer purchaser of health care, and  
14 the representative of the insurance industry, for terms expiring on May 1, 2009.

15 (b) The physician, the representative of health maintenance organizations, and  
16 the member who represents the public interest, for terms expiring on May 1, 2011.

17 **\*-1649/7.9101\*** (6) HEALTH CARE QUALITY AND PATIENT SAFETY BOARD; STUDY OF  
18 PHYSICIAN INFORMATION DATABASE. By March 1, 2006, the health care quality and  
19 patient safety board shall study and make recommendations to the governor  
20 concerning the feasibility of creating a centralized physician information database,  
21 including through a joint public and private effort.

22 **\*-1649/7.9101\*** (7) HEALTH CARE QUALITY AND PATIENT SAFETY BOARD; STUDY OF  
23 RULES. By October 1, 2006, the health care quality and patient safety board shall do  
24 all of the following:

1 (a) Study and make recommendations to the governor concerning the rules  
2 required and authorized to be promulgated by the department of health and family  
3 services under section 153.75 of the statutes.

4 (b) Promote the collection and availability of information regarding the quality  
5 and price of health care required to enable consumers and health care purchasers to  
6 make wise health care choices.

7 (c) Foster the creation and evolution of public-private health care  
8 partnerships, agreements on standard health care data sets and reporting protocols,  
9 and transparency of health care information for purchasing purposes, including the  
10 development of an integrated health care data repository.

11 **\*-1649/7.9101\*** (8) HEALTH CARE QUALITY AND PATIENT SAFETY BOARD; PLAN AND  
12 STRATEGIES. By January 1, 2007, develop a plan and specific strategies, including  
13 awarding grants or making loans under section 153.076 (2) of the statutes, as created  
14 by this act, to deploy health care information systems technology for health care  
15 quality, safety, and efficiency, within a reasonable time and using reasonable  
16 financial investments. The plan shall consider the extent to which an integrated or  
17 interoperable system or underlying technology may be most cost effective, including  
18 by assessing benefits of the system for supporting rapid deployment for supporting  
19 medical care practitioners, promoting accurate and appropriate shared information  
20 about individual patients among health care providers, standardizing performance  
21 indicators among health care provider organizations to improve organization  
22 performance, and public reporting of quality, safety, and efficiency data for consumer  
23 and health care purchaser decision making.

24 **\*-1660/3.9101\*** (9) REPORT REGARDING ALTERNATIVE DISPOSITIONS FOR  
25 NON-VIOLENT OFFENDERS. The sentencing commission shall review sentences imposed

1 on individuals who are convicted of nonviolent offenses, other than crimes under  
2 section 23.33 (4c), 30.681, 346.63, or 350.101 of the statutes or, if the offense involved  
3 the use of a vehicle, under section 940.09 or 940.25 of the statutes, and develop  
4 recommendations for alternative dispositions for those individuals that may be used  
5 by courts at or before sentencing. By December 31, 2005, the sentencing commission  
6 shall submit its recommendations in a report to the legislature in the manner  
7 provided under section 13.172 (2) of the statutes.

8 **\*-0517/P1.9102\* SECTION 9102. Nonstatutory provisions; aging and**  
9 **long-term care board.**

10 **\*-1243/P3.9103\* SECTION 9103. Nonstatutory provisions; agriculture,**  
11 **trade and consumer protection.**

12 **\*-1243/P3.9103\* (1) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.**

13 (a) *Assets and liabilities.* All assets and liabilities of the department of  
14 agriculture, trade and consumer protection that are primarily related to consumer  
15 protection programs or functions that are being transferred to the department of  
16 justice under this act shall become the assets and liabilities of the department of  
17 justice. The departments of justice and agriculture, trade and consumer protection  
18 shall jointly determine these assets and liabilities and shall jointly develop and  
19 implement a plan for their orderly transfer. In the event of any disagreement  
20 between the departments, the secretary of administration shall resolve the  
21 disagreement.

22 (b) *Employee transfers.* The departments of justice and agriculture, trade and  
23 consumer protection shall jointly determine which positions that are primarily  
24 related to consumer protection programs or functions that are being transferred to  
25 the department of justice under this act shall be transferred to the department of

1 justice. In the event of a disagreement between the departments, the secretary of  
2 administration shall resolve the disagreement. The positions determined to be  
3 transferred under this paragraph, and the incumbent employees in those positions,  
4 shall be transferred to the department of justice.

5 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
6 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
7 statutes in the department of justice that they enjoyed in the department of  
8 agriculture, trade and consumer protection immediately before the transfer.  
9 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
10 has attained permanent status in class is required to serve a probationary period.

11 (d) *Supplies and equipment.* All tangible personal property, including records,  
12 of the department of agriculture, trade and consumer protection that are primarily  
13 related to consumer protection programs or functions that are being transferred to  
14 the department of justice under this act are transferred to the department of justice.  
15 The departments of justice and agriculture, trade and consumer protection shall  
16 jointly identify the tangible personal property, including records, and shall jointly  
17 develop and implement a plan for their orderly transfer. In the event of a  
18 disagreement between the departments, the secretary of administration shall  
19 resolve the disagreement.

20 (e) *Pending matters.* Any matter pending with the department of agriculture,  
21 trade and consumer protection that is primarily related to a consumer protection  
22 program or function that is being transferred to the department of justice under this  
23 act is being transferred to the department of justice. All materials submitted to or  
24 actions taken by the department of agriculture, trade and consumer protection with



1 respect to the pending matter are considered as having been submitted to or taken  
2 by the department of justice.

3 (f) *Contracts.* All contracts entered into by the department of agriculture, trade  
4 and consumer protection or by the department of justice that are primarily related  
5 to consumer protection programs or functions that are being transferred to the  
6 department of justice under this act, and that are in effect on the effective date of this  
7 paragraph, remain in effect and those contracts entered into by the department of  
8 agriculture, trade and consumer protection are transferred to the department of  
9 justice. The departments of justice and agriculture, trade and consumer protection  
10 shall jointly identify these contracts and shall jointly develop and implement a plan  
11 for their orderly transfer. In the event of any disagreement between the  
12 departments, the secretary of administration shall resolve the disagreement. The  
13 department of justice shall carry out the obligations under these contracts until the  
14 obligations are modified or rescinded by the department of justice to the extent  
15 allowed under the contract.

16 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
17 trade and consumer protection that are in effect on the effective date of this  
18 paragraph and that are primarily related to consumer protection programs or  
19 functions that are being transferred to the department of justice under this act  
20 remain in effect until their specified expiration date or until amended or repealed by  
21 the department of justice. All orders issued by the department of agriculture, trade  
22 and consumer protection that are in effect on the effective date of this paragraph and  
23 that are primarily related to consumer protection programs or functions that are  
24 being transferred to the department of justice under this act remain in effect until

1 their specified expiration date or until modified or rescinded by the department of  
2 justice.

3       \***-1243/P3.9103\*** (2) NAME CHANGE. Wherever “agriculture, trade and  
4 consumer protection” appears in the following sections of the statutes, as affected by  
5 this act, “agriculture, trade, and rural resources” is substituted: 15.05 (1) (d), 15.07  
6 (5) (d), 15.105 (12) (a) 1. and (16) (b) 1., 15.107 (16) (b) 2., 15.135 (1) (a) (intro.) and  
7 (b) and (4) (am) and (b) 1., 15.137 (b) and (5) (intro.), (a), and (b) 1., 15.155 (4) (a) 1.  
8 and (5), 15.347 (13) (b) 3. and (18) (b) 3., 15.405 (5g), 15.445 (2) (e) and (4) (a) 6., 15.915  
9 (1) (b) 1. and (2) (a), 16.023 (1) (g) (intro.), 16.045 (3), 16.967 (6), 16.9675 (6), 20.115  
10 (intro.), 20.866 (2) (we) and (wf), 20.923 (4) (f) 2., 23.235 (3m), 25.463, 26.30 (2) and  
11 (5), 26.36, 27.019 (3) and (12), 29.424 (2) (b), 29.705 (4) (b), 29.875 (2), 30.12 (1m) (a)  
12 and (b), 30.20 (1g) (c), 30.46 (1) (a) and (2), 31.02 (7m), 32.035 (1) (a), 36.25 (7) and  
13 (11) (c), 36.58 (2) (a) 3. and (c), (3) (b), and (5), 41.41 (4) (c) and (5) (e), 42.10, 59.70  
14 (17) (a), 61.72, 66.0217 (9) (b), 66.0307 (4) (a) 1., 66.0417 (1), 69.66, 84.01 (17), 86.19  
15 (1m), 88.11 (1) (intro.), (1m), (3) (intro.), (4), (5) (intro.), (6), and (7), 88.13, 88.15 (1),  
16 (2), and (3), 88.19 (4) (a) (intro.) and (d), 88.21 (5), 88.24 (intro.), 88.32 (3m), 88.35  
17 (7), 88.77 (2), 91.01 (3), 92.03 (3), 92.14 (6) (d) and (m) and (14m), 92.15 (3) (a) and  
18 (b), chapter 93 (title), 93.01 (3) and (15), 93.09 (6), 93.135 (2), 93.75 (3m) (b), (c), and  
19 (d), 93.90 (5) (c), 94.72 (1) (d), 94.73 (2m) (b), (c), and (e), (4) (b), and (9), 95.22 (1) and  
20 (3), 95.45 (4) (b), 95.55 (5) (a) and (c), 97.01 (4), 97.24 (3), 97.41 (1m), 98.04 (1) and  
21 (2), 101.175 (3) (intro.), 101.58 (2) (i), 101.586, 126.01 (8), 126.72 (2), 146.60 (1) (c),  
22 (2) (b), (3) (c) 1. and 2., and (5), 160.01 (7), 169.01 (7) and (35) (a), 169.03, 169.04 (2)  
23 (d) and (3) (a), 169.04 (5m) (a) 3., 6., and 7., 169.06 (1) (d) 1., 169.11 (1) (a) (intro.),  
24 169.38 (title), 169.42 (1) (i), 173.01 (1), 174.001 (2), 174.11 (1) and (2) (a), 182.01 (6),  
25 196.857 (1g) (e), 227.137 (1), 227.14 (1s), 230.08 (2) (e) 2., 235.02 (2) (c), 235.04 (6),

1 254.02 (3) (a), 254.51 (2), 254.52 (2) (intro.), 254.58, 254.64 (1) (d), 254.69 (2) (am),  
2 281.16 (3) (a) (intro.), (b), (c), and (e), 281.20 (1) (a) and (3) (c) (intro.), 1., and 2. and  
3 (d) 3., 281.65 (3) (f), (3m) (a) 1. and (b) 1., (4) (as), (dr), (e), (g) (intro.), 2., and 4., (i),  
4 (L), (o), (p), and (pm), (4c) (am) 2., (4m) (c) and (d), (5) (intro.), (5m), (7) (a) 2., (11),  
5 and (12), 281.67, 281.695 (5), 281.75 (1) (e) 1., 287.11 (2s) (a) and (b), 292.11 (2) (d)  
6 and (9) (d) 1. d., 292.33 (6), 299.11 (2) (title), (a), and (b), and (5) (a), 348.01 (2) (am),  
7 348.15 (5) (intro.), 348.17 (4) (a) and (b) (intro.), 348.27 (11m) (a), 440.92 (7), 560.03  
8 (1) and (18), 560.07 (6), 560.17 (7) (am), 560.92 (1), 562.02 (2) (fm), 704.90 (11) (a),  
9 710.02 (4) (a) (intro.), 823.08 (3) (c) 1., 885.01 (4), 895.57 (3), 943.75 (3), and 943.76  
10 (3) (c).

11 **\*-1243/P3.9103\* (3) MEMBERSHIP OF THE BOARD OF AGRICULTURE, TRADE AND**  
12 **CONSUMER PROTECTION.** Notwithstanding section 15.13 of the statutes, as affected by  
13 this act, any member of the board of agriculture, trade and consumer protection who  
14 is serving on the board of agriculture, trade and consumer protection as a consumer  
15 representative on the day before the effective date of this subsection shall be entitled  
16 to continue to serve as a member of the board under section 15.13 of the statutes, as  
17 affected by this act, until his or her successor is appointed and qualified.

18 **\*-0517/P1.9104\* SECTION 9104. Nonstatutory provisions; arts board.**

19 **\*-0517/P1.9105\* SECTION 9105. Nonstatutory provisions; building**  
20 **commission.**

21 **\*-0517/P1.9106\* SECTION 9106. Nonstatutory provisions; child abuse**  
22 **and neglect prevention board.**

23 **\*-0517/P1.9107\* SECTION 9107. Nonstatutory provisions; circuit courts.**

24 **\*-0430/P1.9108\* SECTION 9108. Nonstatutory provisions; commerce.**

1           \***-0430/P1.9108\*** (1) REAL ESTATE TRUST ACCOUNTS. All rules promulgated  
2 under section 452.13 of the statutes by the department of administration that are in  
3 effect on the effective date of this subsection remain in effect until their specified  
4 expiration date or until amended or repealed by the department of commerce.

5           \***-1925/1\*** (2) RURAL ECONOMIC DEVELOPMENT STUDY. The department of  
6 commerce and the department of revenue shall jointly study the status of and the  
7 alternatives for regional economic development in rural areas.

8           \***-1624/2.9109\*** **SECTION 9109. Nonstatutory provisions; corrections.**

9           \***-1624/2.9109\*** (1) COMMUNITY INTERVENTION PROGRAM TRANSFER.

10           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
11 liabilities of the department of corrections primarily related to the Community  
12 Intervention Program under section 301.263, 2003 stats., as determined by the  
13 secretary of administration, shall become the assets and liabilities of the department  
14 of administration.

15           (b) *Tangible personal property.* On the effective date of this paragraph, all  
16 tangible personal property, including records, of the department of corrections that  
17 is primarily related to the Community Intervention Program under section 301.263,  
18 2003 stats., as determined by the secretary of administration, is transferred to the  
19 department of administration.

20           (c) *Pending matters.* Any matter pending with the department of corrections  
21 on the effective date of this paragraph that is primarily related to the Community  
22 Intervention Program under section 301.263, 2003 stats., as determined by the  
23 secretary of administration, is transferred to the department of administration and  
24 all materials submitted to or actions taken by the department of corrections with

1 respect to the pending matter are considered as having been submitted to or taken  
2 by the department of administration.

3 (d) *Contracts.* All contracts entered into by the department of corrections in  
4 effect on the effective date of this paragraph that are primarily related to the  
5 Community Intervention Program under section 301.263, 2003 stats., as determined  
6 by the secretary of administration, remain in effect and are transferred to the  
7 department of administration. The department of administration shall carry out  
8 any obligations under such a contract until the contract is modified or rescinded by  
9 the department of administration to the extent allowed under the contract.

10 (e) *Rules and orders.* All rules promulgated by the department of corrections  
11 in effect on the effective date of this paragraph that are primarily related to the  
12 Community Intervention Program under section 301.263, 2003 stats., remain in  
13 effect until their specified expiration date or until amended or repealed by the  
14 department of administration. All orders issued by the department of corrections in  
15 effect on the effective date of this paragraph that are primarily related to the  
16 Community Intervention Program under section 301.263, 2003 stats., remain in  
17 effect until their specified expiration date or until modified or rescinded by the  
18 department of administration.

19 **\*-0517/P1.9110\* SECTION 9110. Nonstatutory provisions; court of**  
20 **appeals.**

21 **\*-0517/P1.9111\* SECTION 9111. Nonstatutory provisions; district**  
22 **attorneys.**

23 **\*-0517/P1.9112\* SECTION 9112. Nonstatutory provisions; educational**  
24 **communications board.**

1           \*-0517/P1.9113\* SECTION 9113. Nonstatutory provisions; elections  
2 board.

3           \*-0517/P1.9114\* SECTION 9114. Nonstatutory provisions; employee  
4 trust funds.

5           \*-0517/P1.9115\* SECTION 9115. Nonstatutory provisions; employment  
6 relations commission.

7           \*-0517/P1.9116\* SECTION 9116. Nonstatutory provisions; ethics board.

8           \*-0517/P1.9117\* SECTION 9117. Nonstatutory provisions; financial  
9 institutions.

10          \*-0517/P1.9118\* SECTION 9118. Nonstatutory provisions; Fox River  
11 Navigational System Authority.

12          \*-0517/P1.9119\* SECTION 9119. Nonstatutory provisions; governor.

13          \*-0517/P1.9120\* SECTION 9120. Nonstatutory provisions; Health and  
14 Educational Facilities Authority.

15          \*-0084/3.9121\* SECTION 9121. Nonstatutory provisions; health and  
16 family services.

17          \*-0084/3.9121\* (1) RELATIVE GUARDIANSHIPS. Notwithstanding section 48.977  
18 (2) (a), 2003 stats., a petition under section 48.977 (4) of the statutes, as affected by  
19 this act, may be filed for the appointment of a relative as the guardian of the person  
20 of a child who has been placed, or continued in a placement, outside of his or her home  
21 for less than one year on the effective date of this subsection.

22          \*-0347/2.9121\* (2) TRANSFER OF SANITARIAN REGISTRATION.

23          (a) *Registered sanitarians.* All persons who were registered as sanitarians  
24 under section 250.05 of the statutes, as affected by this act, immediately before the

1 effective date of this paragraph are registered under section 440.70 of the statutes,  
2 as affected by this act.

3 (b) *Rules and orders.* All rules of the department of health and family services  
4 regulating registration of sanitarians that are in effect before the effective date of  
5 this paragraph remain in effect until their specified expiration date or until amended  
6 or repealed by the department of regulation and licensing. All orders of the  
7 department of health and family services regulating registered sanitarians that are  
8 in effect before the effective date of this paragraph remain in effect until their  
9 specified expiration date or until modified or rescinded by the department of  
10 regulation and licensing.

11 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
12 liabilities of the department of health and family services relating to the registration  
13 of sanitarians, as determined by the secretary of administration, shall become the  
14 assets and liabilities of the department of regulation and licensing.

15 (d) *Tangible personal property.* On the effective date of this paragraph, all  
16 tangible personal property, including records, of the department of health and family  
17 services relating to the registration of sanitarians, as determined by the secretary  
18 of administration, is transferred to the department of regulation and licensing.

19 (e) *Contracts.* All contracts entered into by the department of health and family  
20 services relating to the registration of sanitarians in effect on the effective date of this  
21 paragraph remain in effect and are transferred to the department of regulation and  
22 licensing. The department of regulation and licensing shall carry out any obligations  
23 under such a contract until the contract is modified or rescinded by the department  
24 of regulation and licensing to the extent allowed under the contract.

1 (f) *Pending matters.* Any matter pending with the department of health and  
2 family services relating to the regulation of sanitarians on the effective date of this  
3 paragraph is transferred to the department of regulation and licensing and all  
4 materials submitted to or actions taken by the department of health and family  
5 services with respect to the pending matter are considered as having been submitted  
6 to or taken by the department of regulation and licensing.

7 \*~~0404~~/4.9121\* (3) TRANSFER OF DAY CARE CENTER LICENSING.

8 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
9 liabilities of the department of health and family services primarily related to the  
10 licensing of day care centers, as determined by the secretary of administration, shall  
11 become the assets and liabilities of the department of workforce development.

12 (b) *Employee transfers.* All positions and all incumbent employees holding  
13 those positions in the department of health and family services primarily related to  
14 the licensing of day care centers, as determined by the secretary of administration,  
15 are transferred on the effective date of this paragraph to the department of workforce  
16 development.

17 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
19 statutes in the department of workforce development that they enjoyed in the  
20 department of health and family services immediately before the transfer.  
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
22 has attained permanent status in class is required to serve a probationary period.

23 (d) *Contracts.* All contracts entered into by the department of health and family  
24 services in effect on the effective date of this paragraph that are primarily related  
25 to the licensing of day care centers, as determined by the secretary of administration,



1 remain in effect and are transferred to the department of workforce development.  
2 The department of workforce development shall carry out any obligations under such  
3 a contract until the contract is modified or rescinded by the department of workforce  
4 development to the extent allowed under the contract.

5 (e) *Rules and orders.* All rules promulgated by the department of health and  
6 family services that are in effect on the effective date of this paragraph and that are  
7 primarily related to the licensing of day care centers remain in effect until their  
8 specified expiration dates or until amended or repealed by the department of  
9 workforce development. All orders issued by the department of health and family  
10 services that are in effect on the effective date of this paragraph and that are  
11 primarily related to the licensing of day care centers remain in effect until their  
12 specified expiration dates or until modified or rescinded by the department of  
13 workforce development.

14 (f) *Pending matters.* Any matter pending with the department of health and  
15 family services on the effective date of this paragraph that is primarily related to the  
16 licensing of day care centers is transferred to the department of workforce  
17 development and all materials submitted to or actions taken by the department of  
18 health and family services with respect to the pending matter are considered as  
19 having been submitted to or taken by the department of workforce development.

20 \*-0746/4.9121\* (4) MEDICAL ASSISTANCE AND COMMUNITY AIDS PROGRAM  
21 FUNDING AND PAYMENTS. The repeal of 2003 Wisconsin Act 318, sections 15, 18, 20, 22,  
22 and 27, by this act applies notwithstanding section 990.03 of the statutes.

23 \*-0976/2.9121\* (5) TRANSFER OF MENTAL HEALTH SERVICES FOR HOMELESS  
24 INDIVIDUALS.

1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of health and family services primarily related to mental  
3 health services for homeless individuals under section 46.972 (3) of the statutes, as  
4 affected by this act, as determined by the secretary of administration, shall become  
5 the assets and liabilities of the department of commerce.

6           (b) *Position transfer.*

7           1. On the effective date of this subdivision, the authorized FTE positions for the  
8 department of health and family services, funded from the appropriation under  
9 section 20.435 (6) (m) of the statutes, are decreased by 1.0 PR-F position having  
10 responsibility for a program to provide mental health services to homeless  
11 individuals with chronic mental illness.

12           2. On the effective date of this subdivision, the authorized FTE positions for the  
13 department of commerce, funded from the appropriation under section 20.143 (2) (m)  
14 of the statutes, are increased by 1.0 PR-F position having responsibility for a  
15 program to provide mental health services to homeless individuals with chronic  
16 mental illness.

17           3. On the effective date of this subdivision, the incumbent employee holding the  
18 position specified in subdivision 1. is transferred to the department of commerce.

19           (c) *Employee status.* The employee transferred under paragraph (b) 3. shall  
20 have all the same rights and the same status under subchapter V of chapter 111 and  
21 chapter 230 of the statutes in the department of commerce that he or she enjoyed in  
22 the department of health and family services immediately before the transfer.  
23 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
24 has attained permanent status in class is required to serve a probationary period.

1           (d) *Tangible personal property.* On the effective date of this paragraph, all  
2           tangible personal property, including records, of the department of health and family  
3           services that is primarily related to mental health services for homeless individuals  
4           under section 46.972 (3) of the statutes, as affected by this act, as determined by the  
5           secretary of administration, is transferred to the department of commerce.

6           (e) *Contracts.* All contracts entered into by the department of health and family  
7           services in effect on the effective date of this paragraph that are primarily related  
8           to mental health services for homeless individuals under section 46.972 (3) of the  
9           statutes, as affected by this act, as determined by the secretary of administration,  
10          remain in effect and are transferred to the department of commerce. The department  
11          of commerce shall carry out any obligations under such a contract until the contract  
12          is modified or rescinded by the department of commerce to the extent allowed under  
13          the contract.

14          (f) *Rules and orders.* All rules promulgated by the department of health and  
15          family services that are in effect on the effective date of this paragraph that are  
16          primarily related to mental health services for homeless individuals under section  
17          46.972 (3) of the statutes, as affected by this act, remain in effect until their specified  
18          expiration date or until amended or repealed by the department of commerce. All  
19          orders issued by the department of health and family services that are in effect on  
20          the effective date of this paragraph that are primarily related to mental health  
21          services for homeless individuals under section 46.972 (3) of the statutes, as affected  
22          by this act, remain in effect until their specified expiration date or until modified or  
23          rescinded by the department of commerce.

24                \***-1089/5.9121\*** (6) SCHEDULE OF ASSESSMENTS ON HEALTH MAINTENANCE  
25          ORGANIZATIONS WITH MEDICAL ASSISTANCE CONTRACTS. Notwithstanding the schedule

1 for payment of assessments specified in section 49.45 (2) (a) 26. a. of the statutes, as  
2 created by this act, payments of assessments on a health maintenance organization  
3 with a contract to provide health care to Medical Assistance and Badger Care  
4 recipients in 2006 shall be made as follows:

5 (a) On March 31, 2006, payment based on the health maintenance  
6 organization's estimated gross revenues for the period of January 1, 2006, to March  
7 31, 2006, is due.

8 (b) On June 30, 2006, payment based on the health maintenance organization's  
9 actual gross revenues for the period of January 1, 2006, to March 31, 2006, is due.

10 (c) On September 30, 2006, payment based on the health maintenance  
11 organization's actual gross revenues for the period of April 1, 2006, to June 30, 2006,  
12 is due.

13 (d) On December 31, 2006, payment based on the health maintenance  
14 organization's actual gross revenues for the period of July 1, 2006, to September 30,  
15 2006, is due.

16 **\*-1302/3.9121\*** (7) INQUIRIES CONCERNING MANAGED CARE ORGANIZATIONS. Before  
17 July 1, 2006, the department of health and family services shall issue inquiries  
18 concerning the existence of managed care organizations that have capability to  
19 develop the provision of primary, acute, and long-term managed care, on a regional  
20 basis, to elderly and disabled Medical Assistance recipients. The department of  
21 health and family services shall consult with the department of administration in  
22 connection with the inquiries issued under this subsection and the responses  
23 received.

24 **\*-1649/7.9121\*** (8) TRANSFER OF FUNCTIONS OF THE BOARD ON HEALTH CARE  
25 INFORMATION.

1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of health and family services primarily related to the  
3 functions of the board on health care information, as determined by the secretary of  
4 administration, shall become the assets and liabilities of the department of  
5 administration.

6           (b) *Position and employee transfers.* All incumbent employees holding  
7 positions in the department of health and family services performing duties  
8 primarily related to the functions of the board on health care information, as  
9 determined by the secretary of administration, are transferred on the effective date  
10 of this paragraph to the department of administration.

11           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
13 statutes in the department of administration that they enjoyed in the department  
14 of health and family services immediately before the transfer. Notwithstanding  
15 section 230.28 (4) of the statutes, no employee so transferred who has attained  
16 permanent status in class is required to serve a probationary period.

17           (d) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the department of health and family  
19 services that is primarily related to the functions of the board on health care  
20 information, as determined by the secretary of administration, is transferred to the  
21 department of administration.

22           (e) *Contracts.*

23           1. All contracts entered into by the board on health care information in effect  
24 on the effective date of this subdivision remain in effect and are transferred to the  
25 health care quality and patient safety board. The health care quality and patient

1 safety board shall carry out any obligations under such a contract until the contract  
2 is modified or rescinded by the health care quality and patient safety board to the  
3 extent allowed under the contract.

4 2. All contracts entered into by the department of health and family services  
5 in effect on the effective date of this subdivision that are primarily related to the  
6 functions of the board on health care information, as determined by the secretary of  
7 administration, remain in effect and are transferred to the department of  
8 administration. The department of administration shall carry out any obligations  
9 under such a contract until the contract is modified or rescinded by the department  
10 of administration to the extent allowed under the contract.

11 (f) *Rules and orders.* All rules promulgated by the board on health care  
12 information that are in effect on the effective date of this subdivision remain in effect  
13 until their specified expiration date or until amended or repealed by the health care  
14 quality and patient safety board.

15 (g) *Pending matters.* Any matter pending with the board on health care  
16 information on the effective date of this paragraph is transferred to the health care  
17 quality and patient safety board and all materials submitted to or actions taken by  
18 the board on health care information with respect to the pending matter are  
19 considered as having been submitted to or taken by the health care quality and  
20 patient safety board.

21 **\*-1649/7.9121\*** (9) HEALTH CARE INFORMATION; RULE MAKING. Notwithstanding  
22 the requirement and authorization for the department of health and family services  
23 to promulgate rules under section 153.75 of the statutes, as affected by this act,  
24 before July 1, 2007, the department of health and family services may promulgate

1 under section 153.75 of the statutes only rules that are first approved by the health  
2 care quality and patient safety board.

3       \*–0541/2\* (10) WAIVER FOR COST-SAVING MEASURES UNDER THE BADGER CARE  
4 HEALTH CARE PROGRAM.

5       (a) The department of health and family services shall request one or more  
6 waivers from the secretary of the federal department of health and human services  
7 to permit the department of health and family services to implement cost-saving  
8 measures under the Badger Care health care program, including any of the  
9 following:

10       1. Establishing a 3-tiered prescription drug copayment requirement that does  
11 not exceed the maximum copayment amount established by the group insurance  
12 board for state employees.

13       2. Establishing a benchmark plan, as described in 42 CFR 457.420.

14       3. Establishing mandatory copayments for benefits in addition to the  
15 copayments for prescription drug coverage.

16       (b) If a federal waiver under paragraph (a) is approved, the department of  
17 health and family services shall seek enactment of statutory language to implement  
18 cost-saving measures authorized under the waiver.

19       \*–0541/2\* (11) PHARMACY REIMBURSEMENT METHODOLOGY INVESTIGATION. The  
20 department of health and family services shall investigate alternatives to using the  
21 average wholesale price methodology for pharmacy reimbursement for brand name  
22 prescription drugs that are purchased by or dispensed to Medical Assistance  
23 recipients, persons who receive health care coverage under the Badger Care health  
24 care program, and participants in the program for prescription drug assistance for  
25 elderly persons under section 49.688 of the statutes. The department's investigation

1 shall include review and research of different methodologies. No later than June 30,  
2 2006, the department of health and family services shall submit to the department  
3 of administration a report with its findings, conclusions, and recommendations on  
4 the various methodologies investigated.

5       **\*-1709/2\*** (12) TRANSFER OF HELP DESK AND DESKTOP SUPPORT POSITIONS. All  
6 incumbent employees holding positions in the department of health and family  
7 services performing duties primarily related to information technology assistance  
8 services, as determined by the secretary of health and family services, are  
9 transferred on the effective date of this subsection to the department of  
10 administration. Employees transferred under this subsection have all rights and the  
11 same status under subchapter V of chapter 111 and chapter 230 of the statutes that  
12 they enjoyed in the department of health and family services. Notwithstanding  
13 section 230.28 (4) of the statutes, no employee so transferred who has attained  
14 permanent status in class may be required to serve a probationary period.

15       **\*-0517/P1.9122\*** SECTION 9122. Nonstatutory provisions; higher  
16 educational aids board.

17       **\*-0517/P1.9123\*** SECTION 9123. Nonstatutory provisions; historical  
18 society.

19       **\*-1225/1.9124\*** SECTION 9124. Nonstatutory provisions; Housing and  
20 Economic Development Authority.

21       **\*-1225/1.9124\*** (1) TRANSFER OF SURPLUS. Notwithstanding section 234.165 (2)  
22 (c) of the statutes, the Wisconsin Housing and Economic Development Authority  
23 shall pay to the state in fiscal year 2005–06 \$2,500,000 of its actual surplus under  
24 section 234.165 of the statutes and in fiscal year 2006–07 \$2,500,000 of its actual  
25 surplus under section 234.165 of the statutes.



1           \*-0517/P1.9125\* SECTION 9125. Nonstatutory provisions; insurance.

2           \*-0517/P1.9126\* SECTION 9126. Nonstatutory provisions; investment  
3 board.

4           \*-0517/P1.9127\* SECTION 9127. Nonstatutory provisions; joint  
5 committee on finance.

6           \*-0517/P1.9128\* SECTION 9128. Nonstatutory provisions; judicial  
7 commission.

8           \*-1377/3.9129\* SECTION 9129. Nonstatutory provisions; justice.

9           \*-1377/3.9129\* (1) TRANSFER OF COUNTY-TRIBAL LAW ENFORCEMENT GRANT  
10 PROGRAM.

11           (a) *Positions and employees.*

12           1. On the effective date of this subdivision, all full-time equivalent positions  
13 in the department of justice having duties primarily related to the department's  
14 county-tribal law enforcement grant program, as determined by the secretary of  
15 administration, are transferred to the office of justice assistance.

16           2. All incumbent employees holding positions specified in subdivision 1. are  
17 transferred on the effective date of this subdivision to the office of justice assistance.

18           3. Employees transferred under subdivision 2. have all the rights and the same  
19 status under subchapter V of chapter 111 and chapter 230 of the statutes in the office  
20 of justice assistance that they enjoyed in the department of justice immediately  
21 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee  
22 so transferred who has attained permanent status in class is required to serve a  
23 probationary period.

24           (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
25 liabilities of the department of justice primarily related to the department's

1 county-tribal law enforcement grant program, as determined by the secretary of  
2 administration, shall become the assets and liabilities of the office of justice  
3 assistance.

4 (c) *Tangible personal property.* On the effective date of this paragraph, all  
5 tangible personal property, including records, of the department of justice that is  
6 primarily related to the department's county-tribal law enforcement grant program,  
7 as determined by the secretary of administration, is transferred to the office of justice  
8 assistance.

9 (d) *Contracts.* All contracts entered into by the department of justice in effect  
10 on the effective date of this paragraph that are primarily related to the department's  
11 county-tribal law enforcement grant program, as determined by the secretary of  
12 administration, remain in effect and are transferred to the office of justice  
13 assistance. The office of justice assistance shall carry out any obligations under such  
14 a contract until the contract is modified or rescinded by the office of justice assistance  
15 to the extent allowed under the contract.

16 (e) *Rules and orders.* All rules promulgated by the department of justice  
17 primarily related to the department's county-tribal law enforcement grant program,  
18 as determined by the secretary of administration, that are in effect on the effective  
19 date of this paragraph shall become rules of the office of justice assistance and shall  
20 remain in effect until their specified expiration dates or until amended or repealed  
21 by the office of justice assistance. All orders issued by the department of justice  
22 primarily related to the department's county-tribal law enforcement grant program  
23 that are in effect on the effective date of this paragraph shall become orders of the  
24 office of justice assistance and shall remain in effect until their specified expiration  
25 dates or until modified or rescinded by the office of justice assistance.

1 (f) *Pending matters.* Any matter pending with the department of justice on the  
2 effective date of this paragraph that is primarily related to the department's  
3 county-tribal law enforcement grant program, as determined by the secretary of  
4 administration, is transferred to the office of justice assistance, and all materials  
5 submitted to or actions taken by the department of justice with respect to the pending  
6 matter are considered as having been submitted to or taken by the office of justice  
7 assistance.

8 **\*-1734/1.9130\* SECTION 9130. Nonstatutory provisions; legislature.**

9 **\*-1734/1.9130\* (1) APPROPRIATION LAPSES AND REESTIMATES.**

10 (a) In this subsection, "state operations" means all purposes except aids to  
11 individuals and organizations and local assistance.

12 (b) The cochairpersons of the joint committee on legislative organization shall  
13 take actions during the 2005–07 fiscal biennium to ensure that from general purpose  
14 revenue appropriations for state operations to the legislature under section 20.765  
15 of the statutes, as affected by this act, an amount equal to a total of \$4,675,000 in  
16 fiscal year 2005–06 and a total of \$4,675,000 in fiscal year 2006–07 are lapsed from  
17 sum certain appropriation accounts or are subtracted from the expenditure  
18 estimates for any other types of appropriations, or both.

19 (c) The cochairpersons of the joint committee on legislative organization shall  
20 take actions during the 2005–07 fiscal biennium to ensure that the authorized FTE  
21 positions for the legislature are decreased by a total of 38.0 FTE positions from the  
22 FTE position level that is authorized for the legislature on the effective date of this  
23 subsection.

24 **\*-0517/P1.9131\* SECTION 9131. Nonstatutory provisions; lieutenant**  
25 **governor.**

1           **\*-0517/P1.9132\* SECTION 9132. Nonstatutory provisions; lower**  
2           **Wisconsin state riverway board.**

3           **\*-0517/P1.9133\* SECTION 9133. Nonstatutory provisions; Medical**  
4           **College of Wisconsin.**

5           **\*-0517/P1.9134\* SECTION 9134. Nonstatutory provisions; military**  
6           **affairs.**

7           **\*-0383/5.9135\* SECTION 9135. Nonstatutory provisions; natural**  
8           **resources.**

9           **\*-0383/5.9135\*** (1) PHEASANT HUNTING PERMITS; RULES. Using the procedure  
10          under section 227.24 of the statutes, the department of natural resources may  
11          promulgate rules implementing section 29.185 of the statutes, as created by this act,  
12          for the period before the date on which permanent rules take effect, but not to exceed  
13          the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
14          Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
15          of natural resources is not required to provide evidence that promulgating a rule  
16          under this subsection as an emergency rule is necessary for the preservation of the  
17          public peace, health, safety, or welfare and is not required to provide a finding of  
18          emergency for a rule promulgated under this subsection.

19          **\*-0519/3.9135\*** (2) MANAGED FOREST LAND BOARD. Notwithstanding section  
20          15.345 (6) of the statutes, as created by this act, 2 of the initial members of the  
21          managed forest land board appointed under section 15.345 (6) (a) to (d) of the  
22          statutes shall serve for terms expiring on May 1, 2007, and 2 of those initial members  
23          shall serve for terms expiring on May 1, 2009.

24          **\*-1258/5.9135\*** (3) TURKEY HUNTING APPROVALS; RULES. Using the procedure  
25          under section 227.24 of the statutes, the department of natural resources may

1 promulgate rules implementing section 29.164 of the statutes, as affected by this act,  
2 for the period before the date on which permanent rules take effect, but not to exceed  
3 the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
4 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
5 of natural resources is not required to provide evidence that promulgating a rule  
6 under this subsection as an emergency rule is necessary for the preservation of the  
7 public peace, health, safety, or welfare and is not required to provide a finding of  
8 emergency for a rule promulgated under this subsection.

9 **\*-0517/P1.9136\* SECTION 9136. Nonstatutory provisions; public**  
10 **defender board.**

11 **\*-1588/4.9137\* SECTION 9137. Nonstatutory provisions; public**  
12 **instruction.**

13 **\*-1588/4.9137\* (1) DIFFERENTIATED COMPENSATION PROGRAMS.**

14 (a) The department of public instruction shall promulgate emergency rules  
15 under section 227.24 of the statutes to implement section 115.40 of the statutes, as  
16 created by this act, by October 15, 2005. Notwithstanding section 227.24 (1) (c) and  
17 (2) of the statutes, the emergency rules promulgated under this paragraph remain  
18 in effect until July 1, 2006, or the date on which the permanent rules take effect,  
19 whichever occurs first. Notwithstanding section 227.24 (1) (a) and (3) of the statutes,  
20 the department is not required to provide evidence that promulgating a rule under  
21 this paragraph as an emergency rule is necessary for the preservation of public  
22 peace, health, safety, or welfare and is not required to provide a finding of emergency  
23 for the rule.

24 (b) The department of public instruction may not accept an application from  
25 a school board for a grant in the 2005–07 fiscal biennium under section 115.40 of the

1 statutes, as created by this act, that is received by the department after December  
2 15, 2005.

3 (c) The department of public instruction shall award grants for the 2005–07  
4 fiscal biennium under section 115.40 of the statutes, as created by this act, by  
5 January 31, 2006. The department shall pay one-third of the grant in the 2005–06  
6 fiscal year and two-thirds of the grant in the 2006–07 fiscal year.

7 **\*-1762/2.9137\*** (2) ADULT LITERACY GRANTS. From the appropriation under  
8 section 20.255 (3) (b) of the statutes, as created by this act, the department of public  
9 instruction shall award grants in the 2005–06 fiscal year to nonprofit organizations,  
10 as defined in section 108.02 (19) of the statutes, to support programs that train  
11 community-based adult literacy staff and to establish new volunteer-based  
12 programs in areas of this state that have a demonstrated need for adult literacy  
13 services. No grant may exceed \$25,000, and no organization may receive more than  
14 one grant.

15 **\*-0517/P1.9138\*** SECTION 9138. Nonstatutory provisions; public lands,  
16 board of commissioners of.

17 **\*-0517/P1.9139\*** SECTION 9139. Nonstatutory provisions; public service  
18 commission.

19 **\*-0558/P1.9140\*** SECTION 9140. Nonstatutory provisions; regulation  
20 and licensing.

21 **\*-0558/P1.9140\*** (1) CREDENTIAL RENEWAL FEES; RENEWAL DATE CHANGES. When  
22 preparing its recommendations under section 440.03 (9) (b) of the statutes for  
23 changes to fees under section 440.08 (2) (a) of the statutes for credential renewals in  
24 the 2007–09 biennium, the department of regulation and licensing shall consider

1 whether to reduce or increase the fees based on the changes to the renewal deadlines  
2 made by this act.

3 **\*-0302/4.9141\* SECTION 9141. Nonstatutory provisions; revenue.**

4 **\*-0302/4.9141\***(1) INTERNAL REVENUE CODE. Changes to the Internal Revenue  
5 Code made by P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,  
6 excluding sections 306, 307, 308, 401, and 403 (a) of P.L. 108–311, and P.L.  
7 108–357, excluding sections 101, 201, 244, 336, 337, 909, and 910 of P.L. 108–357,  
8 apply to the definitions of “Internal Revenue Code” in chapter 71 of the statutes at  
9 the time that those changes apply for federal income tax purposes.

10 **\*-0303/4.9141\*** (2) THE STREAMLINED SALES AND USE TAX AGREEMENT. The  
11 department of revenue shall notify the revisor of statutes of the effective date of this  
12 state’s participation in the streamlined sales and use tax agreement, as described in  
13 section 77.65 of the statutes, as affected by this act, no later than 30 days after such  
14 effective date is determined.

15 **\*-1742/3.9141\*** (3) REVENUE FROM THE STREAMLINED SALES TAX PROJECT. No  
16 sooner than July 1, 2006, and no later than September 1, 2006, the department of  
17 revenue shall estimate the amount of revenue that will be collected under  
18 subchapter III of chapter 77 of the statutes for the 2005–07 fiscal biennium in excess  
19 of the amount of revenue that, prior to the beginning of that biennium and based, in  
20 part, on the assumption of compliance by sellers with the streamlined sales and use  
21 tax agreement described under section 77.65 of the statutes, as affected by this act,  
22 the department of revenue estimated would be collected under subchapter III of  
23 chapter 77 of the statutes for that biennium.

24 **\*-0517/P1.9142\* SECTION 9142. Nonstatutory provisions; secretary of**  
25 **state.**

1           **\*-0517/P1.9143\* SECTION 9143. Nonstatutory provisions; state**  
2           **employment relations, office of.**

3           **\*-1933/1\*** (1) STUDY OF ADMINISTRATIVE SALARIES IN THE EXECUTIVE BRANCH OF  
4           STATE GOVERNMENT. The director of the office of state employment relations shall  
5           conduct a study of compensation paid to administrators in state agencies in the  
6           executive branch of state government, including specifically compensation that is  
7           paid to administrative executives and officers employed by the Board of Regents of  
8           the University of Wisconsin System. No later than December 31, 2006, the director  
9           of the office of state employment relations shall submit a report of the results of the  
10          study to the secretary of administration. The report shall include recommendations  
11          for addressing any disparities in compensation paid to administrators.

12          **\*-0517/P1.9144\* SECTION 9144. Nonstatutory provisions; state fair park**  
13          **board.**

14          **\*-1230/1.9145\* SECTION 9145. Nonstatutory provisions; supreme court.**

15          **\*-1230/1.9145\*** (1) APPROPRIATION LAPSES AND REESTIMATES. The chief justice of  
16          the supreme court, acting as the administrative head of the judicial system, shall  
17          take actions during the 2005–07 fiscal biennium to ensure that from general purpose  
18          revenue appropriations for state operations to the circuit courts under section 20.625  
19          of the statutes, to the court of appeals under section 20.660 of the statutes, and to the  
20          supreme court under section 20.680 of the statutes, an amount equal to \$1,300,000  
21          is lapsed from sum certain appropriation accounts or is subtracted from the  
22          expenditure estimates for any other types of appropriations, or both.

23          **\*-0517/P1.9146\* SECTION 9146. Nonstatutory provisions; technical**  
24          **college system.**

25          **\*-0517/P1.9147\* SECTION 9147. Nonstatutory provisions; tourism.**



1           \*–1394/1.9148\* SECTION 9148. Nonstatutory provisions; transportation.

2           \*–1394/1.9148\* (1) ELECTRONIC PROCESSING OF TITLE AND REGISTRATION  
3 APPLICATIONS. The department of transportation may, prior to June 30, 2007, require  
4 certain motor vehicle dealers to electronically process all applications for motor  
5 vehicle title and registration submitted under section 342.16 (1) (a) of the statutes.

6           \*–1557/2.9148\* (2) HARBOR ASSISTANCE PROGRAM.

7           (a) Notwithstanding any limitation specified in section 85.095 (2) (a) or (b) of  
8 the statutes, from the appropriation under section 20.866 (2) (uv) of the statutes, as  
9 affected by this act, the department of transportation shall award a grant under  
10 section 85.095 (2) (a) of the statutes of \$6,000,000 in the 2005–07 fiscal biennium to  
11 a city in northeastern Wisconsin that has a harbor facility for the purpose of  
12 constructing new boatlift facilities or improving existing boatlift facilities that serve  
13 or will serve at least 2 commercial enterprises that enhance economic development  
14 and will provide at least 600 new jobs in this state.

15           (b) Notwithstanding any limitation specified in section 85.095 (2) (a) or (b) of  
16 the statutes, from the appropriation under section 20.866 (2) (uv) of the statutes, as  
17 affected by this act, the department of transportation shall award a grant under  
18 section 85.095 (2) (a) of the statutes of \$2,100,000 in the 2005–07 fiscal biennium for  
19 a boat slip repair and reconstruction project in northeastern Wisconsin if the project  
20 is necessary to retain at least 2,500 jobs in this state.

21           \*–1560/3.9148\* (3) TRANSFER OF SUPPLEMENTAL TITLE FEES.

22           (a) No transfer of moneys may be made under section 20.855 (4) (f), 2003 stats.,  
23 on or after the effective date of this paragraph.

24           (b) If the effective date of this paragraph is after October 1, 2005, the secretary  
25 of administration shall transfer, in fiscal year 2005–06, from the environmental fund

1 to the general fund an amount equal to the amount transferred under section 20.855  
2 (4) (f), 2003 stats., from the general fund to the environmental fund between July 1,  
3 2005, and the effective date of this paragraph.

4 (c) If the effective date of this paragraph is after July 1, 2005, the secretary of  
5 transportation shall, no later than 60 days after the effective date of this paragraph,  
6 certify to the secretary of administration the amount of fees collected under sections  
7 101.9208 (1) (dm), 2003 stats., and 342.14 (3m), 2003 stats., and deposited into the  
8 transportation fund between July 1, 2005, and the effective date of this paragraph,  
9 and the secretary of administration shall transfer, in fiscal year 2005–06, this  
10 amount from the transportation fund to the environmental fund.

11 **\*-0517/P1.9149\* SECTION 9149. Nonstatutory provisions; treasurer.**

12 **\*-0517/P1.9150\* SECTION 9150. Nonstatutory provisions; University of**  
13 **Wisconsin Hospitals and Clinics Authority.**

14 **\*-0517/P1.9151\* SECTION 9151. Nonstatutory provisions; University of**  
15 **Wisconsin Hospitals and Clinics Board.**

16 **\*-1606/1.9152\* SECTION 9152. Nonstatutory provisions; University of**  
17 **Wisconsin System.**

18 **\*-1606/1.9152\* (1) OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TESTING.**

19 (a) *Positions and employees.*

20 1. The authorized FTE positions for the department of health and family  
21 services, funded from the appropriations under section 20.435 (1) (a), (gm), and (m)  
22 of the statutes, as affected by this act, are decreased by 10.5 FTE positions, for the  
23 purpose of providing occupational safety and health administration testing.

24 2. The authorized FTE positions for the department of commerce, funded from  
25 the appropriation under section 20.143 (3) (m) of the statutes, are decreased by 9.0

1 FTE positions, for the purpose of providing occupational safety and health  
2 administration testing.

3 3. The authorized FTE positions for the state laboratory of hygiene, funded  
4 from the appropriation under section 20.285 (1) (fd) of the statutes, are increased by  
5 ~~19.5~~ <sup>0.5</sup> FTE positions, for the purpose of providing occupational safety and health  
6 administration testing.

7 4. The authorized FTE positions for the state laboratory of hygiene, funded  
8 from the appropriation under section 20.285 (1) (i) of the statutes, are increased by  
9 0.5 FTE position, for the purpose of providing occupational safety and health  
10 administration testing.

11 5. The authorized FTE positions for the state laboratory of hygiene, funded  
12 from the appropriation under section 20.285 (1) (m) of the statutes, are increased by  
13 21.55 FTE positions, for the purpose of providing occupational safety and health  
14 administration testing.

15 6. All incumbent employees in the departments of health and family services  
16 and commerce who perform occupational safety and health administration testing  
17 are transferred on the effective date of this subdivision to the state laboratory of  
18 hygiene. Employees transferred under this subdivision have all the rights and the  
19 same status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
20 employment commission that they enjoyed before the transfer. Notwithstanding  
21 section 230.28 (4) of the statutes, no employee so transferred who has attained  
22 permanent status in class must serve a probationary period.

23 (b) *Tangible personal property.* On the effective date of this paragraph, all  
24 tangible personal property, including records, that relates to occupational safety and

1 health administration testing of the departments of health and family services and  
2 commerce is transferred to the state laboratory of hygiene.

3 (c) *Contracts.* All contracts entered into by the departments of health and  
4 family services and commerce that relate to occupational safety and health  
5 administration testing and that are in effect on the effective date of this paragraph  
6 remain in effect and are transferred to the state laboratory of hygiene. The state  
7 laboratory of hygiene shall carry out any obligations under such a contract until the  
8 state laboratory of hygiene modifies or rescinds the contract to the extent allowed.

9 **\*-1838/2.9152\*** (2) POSITION REPORT. No later than August 1, 2006, the Board  
10 of Regents of the University of Wisconsin System shall submit to the secretary of  
11 administration a report that describes by position classification and campus the  
12 faculty and instructional staff positions that were created from July 1, 2004, to July  
13 1, 2006, to promote access to the University of Wisconsin System.

14 **\*-1839/1.9152\*** (3) PLAN TO ELIMINATE POSITIONS. By May 30, 2006, the Board  
15 of Regents of the University of Wisconsin System shall submit to the secretary of  
16 administration for his or her approval a plan to eliminate 200 administrative  
17 positions within the University of Wisconsin System, specified by position  
18 classification and location. Notwithstanding section 16.505 (2p) of the statutes, the  
19 Board of Regents of the University of Wisconsin System may not during the 2006–07  
20 fiscal year create any full-time equivalent academic staff or faculty positions from  
21 revenues appropriated under section 20.285 (1) (a) of the statutes until the secretary  
22 of administration approves the plan.

23 **\*-1866/1.9152\*** (4) ALLOCATION OF FUNDS. Of moneys appropriated under  
24 section 20.285 (1) (a) of the statutes for the 2006–07 fiscal year, the Board of Regents  
25 of the University of Wisconsin System shall allocate \$1,111,400 for implementing the

1 recommendations of the committee on baccalaureate expansion and \$582,000 for the  
2 University of Wisconsin-Rock County engineering initiative.

3       \***-1513/6\*** (5) SALE OF REAL PROPERTY. If the Board of Regents of the University  
4 of Wisconsin System sells any real property under its jurisdiction prior to July 1,  
5 2007, the board shall credit the net proceeds of the sale to the appropriation account  
6 under section 20.285 (1) (iz) of the statutes, except that if there is any outstanding  
7 public debt used to finance the acquisition, construction, or improvement of any  
8 property that is sold, the board shall deposit a sufficient amount of the net proceeds  
9 from the sale of the property in the bond security and redemption fund under section  
10 18.09 of the statutes to repay the principal and pay the interest on the debt, and any  
11 premium due upon refunding any of the debt. If the property was acquired,  
12 constructed, or improved with federal financial assistance, the board shall pay to the  
13 federal government any of the net proceeds required by federal law. If the property  
14 was acquired by gift or grant or acquired with gift or grant funds, the board shall  
15 adhere to any restriction governing use of the proceeds. Except as required under  
16 ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if there is no such debt outstanding,  
17 there are no moneys payable to the federal government, and there is no restriction  
18 governing use of the proceeds.

19       \***-0328/4.9153\*** **SECTION 9153. Nonstatutory provisions; veterans**  
20 **affairs.**

21       \***-0328/4.9153\*** (1) EDUCATIONAL GRANT PROGRAM EMERGENCY RULES. The  
22 department of veterans affairs may promulgate emergency rules under section  
23 227.24 of the statutes implementing section 45.25 of the statutes, as affected by this  
24 act. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department  
25 is not required to provide evidence that promulgating a rule under this subsection

1 as an emergency rule is necessary for the preservation of public peace, health, safety,  
2 or welfare and is not required to provide a finding of emergency for a rule  
3 promulgated under this subsection.

4 **\*-0330/P2.9153\* (2) MESSAGE THERAPISTS AND BODYWORKERS.**

5 (a) *Definitions.* In this SECTION:

6 1. “Board” means the educational approval board.

7 2. “Department” means the department of regulation and licensing.

8 (b) *Transfer of transitional duties.* Any application received by the board under  
9 2001 Wisconsin Act 74, section 23 (5) (a) that is pending with the board on the  
10 effective date of this paragraph is transferred to the department and all materials  
11 submitted to or actions taken by the board with respect to the pending application  
12 are considered as having been submitted to or taken by the department.

13 **\*-0517/P1.9154\* SECTION 9154. Nonstatutory provisions; workforce**  
14 **development.**

15 **\*-0955/10.9155\* SECTION 9155. Nonstatutory provisions; other.**

16 **\*-0955/10.9155\* (1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.**

17 (a) *Definitions.* In this subsection:

18 1. “Legal staff” means the individuals as determined by the secretary of  
19 administration who provide support services for attorneys.

20 2. “State agency” means an office, commission, department, independent  
21 agency, or board in the executive branch of state government, except the following:

22 a. The public service commission.

23 b. The public defender board.

24 c. The Board of Regents of the University of Wisconsin System.

25 d. The University of Wisconsin Hospitals and Clinics Board.

1 e. The state of Wisconsin investment board.

2 f. The office of the governor.

3 g. The elections board.

4 h. The ethics board.

5 i. The department of justice.

6 j. The employment relations commission.

7 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)  
8 and subject to paragraph (e), on the effective date of this paragraph all attorney  
9 positions in state agencies and all legal staff positions in state agencies are  
10 transferred to the division of legal services in the department of administration.

11 (c) *Department of justice tax litigation attorneys.* On the effective date of this  
12 paragraph, 2 attorney positions in the department of justice with duties entailing tax  
13 litigation are transferred to the division of legal services in the department of  
14 administration. The secretary of administration shall identify the positions to be  
15 transferred.

16 (d) *Hearing officers, hearing examiners, and administrative law judges.*

17 1. Except as provided in subdivision 2. and subject to paragraph (e), on the  
18 effective date of this subdivision all positions identified by the secretary of  
19 administration as hearing officers, hearing examiners, or administrative law judges  
20 are transferred to the division of hearings and appeals in the department of  
21 administration.

22 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or  
23 administrative law judges in the department of workforce development.

24 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

1           1. State employees working in an office of a district attorney under section  
2           978.12 (1) (b) or (c) of the statutes.

3           2. One lead attorney in the office of state employment relations whose duties  
4           include the negotiation and interpretation of collective bargaining agreements  
5           entered into under subchapter V of chapter 111.

6           3. One attorney position in each of the following state agencies, identified by  
7           the secretary of administration as the general counsel or lead attorney position:

8           a. Department of administration.

9           b. Department of agriculture, trade, and rural resources.

10          c. Department of commerce.

11          d. Department of corrections.

12          e. Department of employee trust funds.

13          f. Department of financial institutions.

14          g. Department of health and family services.

15          h. Department of military affairs.

16          i. Department of natural resources.

17          j. Department of public instruction.

18          k. Department of regulation and licensing.

19          l. Department of revenue.

20          m. Department of transportation.

21          n. Department of veterans affairs.

22          o. Department of workforce development.

23          p. Office of the commissioner of insurance.

24          (f) *Incumbents.* All incumbent employees holding positions that are  
25          transferred under paragraphs (b), (c), and (d) are transferred on the effective date



1 of this paragraph to the department of administration. Employees transferred  
2 under these paragraphs have all the rights and the same status under subchapter  
3 V of chapter 111 and chapter 230 of the statutes in the department of administration  
4 that they enjoyed in their respective state agencies immediately before the transfer.  
5 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
6 has attained permanent status in class is required to serve a probationary period.

7 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,  
8 and furniture required for the provision of legal services by employees transferred  
9 under paragraphs (b), (c), and (d) are transferred to the department of  
10 administration. The secretary of administration shall identify the equipment,  
11 supplies, and furniture to be transferred.

12 \***-0955/10.9155\*** (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES  
13 FROM MONEYS ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

14 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as  
15 provided in paragraph (b), the secretary of administration shall lapse to the general  
16 fund or transfer to the general fund from the unencumbered balances of the  
17 appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum  
18 sufficient appropriations and appropriations of federal revenues, an amount equal  
19 to \$724,900 during the 2005–07 fiscal biennium. The secretary of administration  
20 shall lapse or transfer these moneys from allocations for agency legal services that  
21 would have been provided in that fiscal biennium with funding from those  
22 appropriations.

23 (b) The secretary of administration may not lapse or transfer moneys to the  
24 general fund from any appropriation under paragraph (a) if the lapse or transfer

1 would violate a condition imposed by the federal government on the expenditure of  
2 the moneys or if the lapse or transfer would violate the federal or state constitution.

3 \***-1710/4.9155\*** (3) LAPSE OR TRANSFER OF STATE OPERATIONS APPROPRIATION  
4 BALANCES TO THE GENERAL FUND.

5 (a) 1. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as  
6 provided in paragraph (b), the secretary of administration shall lapse to the general  
7 fund or transfer to the general fund from the unencumbered balances of state  
8 operations appropriations, other than sum sufficient appropriations and  
9 appropriations of federal revenues, an amount equal to \$35,500,000 during the  
10 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer  
11 these moneys from allocations for human resources and payroll functions and for  
12 server and network support, from moneys saved as a result of restructuring of  
13 procurement contracts and changes to purchasing and procurement functions, and  
14 from efficiencies achieved as a result of space management improvements in that  
15 fiscal biennium under those appropriations.

16 2. Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as  
17 provided in paragraph (b), the secretary of administration shall lapse to the general  
18 fund or transfer to the general fund from the unencumbered balances of state  
19 operations appropriations, other than sum sufficient appropriations and  
20 appropriations of federal revenues, an amount equal to \$55,000,000 during the  
21 2007-08 fiscal year and an amount equal to \$55,000,000 during the 2008-09 fiscal  
22 year. The secretary of administration shall lapse or transfer these amounts from  
23 moneys saved as a result of restructuring procurement contracts ~~in the 2007-09~~  
24 fiscal biennium under those appropriations.

and changes to purchasing and procurement functions, and from  
efficiencies achieved as a result of space management improvements

State

State

Moneys from allocations for human resources and payroll functions and for server and network support,